



PATENT
Attorney Docket 060616-5003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Ian Duncan Rubin et al.**) Group Art Unit: **1655**
Application No. **09/891,615**)
Filed: **June 27, 2001**) Examiner: **Michele C. Flood**
For: **Extracts, Compounds and Pharmaceutical**) Allowed: **July 13, 2005**
Compositions Having Anti-Diabetic Activity) Confirmation No. **8850**
and Their Use (as amended))

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

In response to the Examiner's Statement of Reasons for Allowance in the Notice of Allowability dated July 13, 2005, the following comments are submitted under 37 C.F.R. 1.104(e).

While Applicants believe that the claims are allowable and patentably distinguishable over the prior art, Applicants do not acquiesce that patentability resides in each feature, exactly as expressed in the claims, nor that each and every feature is required for patentability. Applicants submit that patentability is based on the claimed invention as a whole, and not solely on one or more particular features recited in the allowed claims.

Dated: **October 13, 2005**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
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Washington, D.C. 20004
202-739-3000

Respectfully submitted,
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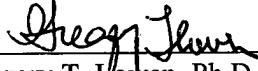
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TRANSMITTAL FORM

1. Transmitted herewith is the Issue Fee Transmittal (PTOL-85B).
2. Additional Papers Submitted:
(i) Comments on Statement of Reasons for Allowance
3. Fee Payment: The Commissioner is hereby authorized to charge \$1,709.00 to Deposit Account No. 50-0310 for payment of the Issue Fee (\$1,400.00), the publication fee (\$300.00) and advance order of three soft copies of the issued patent (\$9.00).
4. Constructive Petition: Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: October 13, 2005
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